IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:21-CV-00058-M

MICHAEL PARKER,)	
Plaintiff,))	
v.)	ORDER
ANDREW SAUL, Commissioner of Social Security,)))	
Defendant.)))	

This matter is before the court on the Defendant's motion seeking an order remanding this case pursuant to sentence six of 42 U.S.C. §§ 405(g) and 1383(c)(3), because the recording of the administrative hearing held on July 28, 2020 includes a significant gap in the testimony. DE 12. For good cause shown, the motion is GRANTED. The court remands this case to the Commissioner for further administrative proceedings pursuant to sentence six of 42 U.S.C. §§ 405(g) and 1383(c)(3). Following the administrative proceedings, "the [Commissioner] must return to the district court to 'file with the court any such additional or modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based." *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991) (quoting 42 U.S.C. § 405(g)). Accordingly, the court shall retain jurisdiction of this case while it is pending before the Commissioner. *See id.* The court DIRECTS the Clerk of the Court to stay the proceedings of this case pending further order of the court. Within sixty days of the date of this order, and every sixty days thereafter until they return to this court, the parties shall file a joint

report informing the court of the status of the administrative proceedings.

SO ORDERED this ____ day of June, 2021.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE